

## Message Text

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INFO OCT-01 ISO-00 AF-10 ARA-10 EA-10 EUR-12 NEA-10  
HA-05 ACDA-12 MCT-01 PM-05 SP-02 SS-15 L-03 PA-01  
CIAE-00 INR-10 NSAE-00 DODE-00 SSO-00 NSCE-00  
INRE-00 ( ISO ) W  
-----093527 181218Z/10

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FM USMISSION GENEVA  
TO SECSTATE WASHDC IMMEDIATE 6156  
INFO USMISSION USUN NEW YORK

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FOR SCHWEBEL

E.O. 11652: GDS  
TAGS: UN, PFOR, PINS  
SUBJECT: AD HOC COMMITTEE ON TAKING OF HOSTAGES

REF: GENEVA 2360

SUMMARY: UNDER PRESSURE FROM WEOS AND MODERATE NON-ALIGNED, POSSIBILITY FOR AGREEMENT ON HOSTAGES CONVENTION EXISTS. PACKAGE WOULD EXCLUDE ACTS OF HOSTAGE TAKING COVERED BY GENEVA CONVENTIONS AND PROTOCOLS BUT COVER ALL OTHERS. MOST, IF NOT ALL, OTHER WEOS PREPARED ACCEPT SUCH A PACKAGE AND FRG PARTICULARLY ANXIOUS DO SO. END SUMMARY.

1. AS RESULT HEAVY WEO PRESSURE IN DEBATES AND CORRIDORS AND BEHIND THE SCENES EFFORTS OF SOME NON-ALIGNED (PARTICULARLY YUGOSLAVIA), NO MEMBERS OF COMMITTEE SEEM WILLING TO TAKE ONUS FOR FAILURE BASED ON DESIRE PROVIDE LICENSE FOR SOME HOSTAGE TAKING.

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2. NON-ALIGNED HAVE NOW FORMALLY INDICATED WILLINGNESS ACCEPT MEXICAN PROPOSAL OF LAST YEAR WHICH EXCLUDES FROM SCOPE OF CONVENTION ACTS COVERED BY RULES OF INTERNATIONAL LAW APPLICABLE TO ARMED CONFLICTS "INCLUDING CONFLICTS IN WHICH PEOPLES ARE FIGHTING AGAINST COLONIAL DOMINATION AND FOREIGN OCCUPATION...IN ACCORDANCE WITH THE CHARTER"

LANGUAGE TAKEN VERBATUM FROM ARTICLE 1, PARA 4, GENEVA  
PROTOCOL I. THIS IS APPROACH RADICALS REJECTED LAST YEAR.

3. IN SMALL KEY NEGOTIATING GROUP, WE AND UK CONTINUING  
EFFORT TO DRIVE THEM TO ACCEPT CURRENT FRG DRAFT OR AT LEAST  
PREEMPTION BY GENEVA PACKAGE ONLY WITH RELATION TO STATES  
PARTIES TO GENEVA CONVENTIONS AND PROTOCOLS. LED BY  
MEXICO AND ALGERIA, THEY REFUSING ACCEPT THIS FOR MIX OF  
REASONS, SOME STATED SUCH AS: (A) GENEVA CONVENTIONS  
HAVE BEEN VERY WIDELY RATIFIED SO NO REASON TO FEAR  
PROTOCOLS (PARTICULARLY PROTOCOL I) WILL NOT BE; (B) THEIR  
CONCERN THAT SOME WEO STATES WILL DECIDE NOT RATIFY PRO-  
TOCOLS IN ORDER TO ENSURE HOSTAGES CONVENTION APPLIES.  
UNSTATED REASONS ARE DESIRE ON PART OF SOME (ALGERIA,  
LIBYA) TO AVOID HAVING HOSTAGES CONVENTION IF THEY CAN  
DO SO WITHOUT APPEARING CONDONE HOSTAGE TAKING.

4. ALL WEO MEMBERS OF COMMITTEE EXCEPT FRANCE INDICATE  
CURRENT ABILITY ACCEPT PACKAGE OF THIS NATURE OR EXPECTA-  
TION AUTHORITY DO SO BY FEBRUARY 21 (CANADA, NETHERLANDS,  
UNITED KINGDOM IN LATTER CATEGORY). FRG, JAPAN, SWEDEN,  
NETHERLANDS ANXIOUS ACCEPT PACKAGE AS GOOD ONE; CANADA,  
UK LESS POSITIVE BUT REGARD IT AS BEST OBTAINABLE AND  
SIGNIFICANTLY BETTER THAN NOTHING. FRANCE HAS SERIES OF  
PARTICULAR POSITIONS AND PROVISIONS WHICH IT ADVOCATING  
ON VARIOUS ASPECTS OF CONVENTION, SOME OF WHICH VERY  
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TOUGH, SOME VERY PERMISSIVE AND FRENCH DELEGATION UNABLE  
INDICATE WHAT GOF MIGHT DO ON SUCH A PACKAGE. FRG  
PLANNING HIGH LEVEL DEMARCHE WITH QUAI TO OBTAIN MORE  
COOPERATION FROM FRENCH.

5. REASONS BEING URGED BY WEOS WHO PREPARED ACCEPT CON-  
VENTION ARE AS FOLLOWS: (A) PACKAGE WILL COVER CURRENTLY  
MOST COMMON PROBLEMS -- JAPANESE AND GERMAN RED ARMY AND  
LATIN AMERICAN INCIDENTS -- AND THESE ARE MOST LIKELY  
FUTURE PROBLEM AREAS SO FOR THIS REASON ALONE, CONVENTION  
WORTHWHILE; (B) SINCE GENEVA CONVENTIONS AND PROTOCOLS  
APPLY TO TERRITORY OF STATES ENGAGED IN THE CONFLICT AND  
OCCUPIED TERRITORY, ACTS COMMITTED IN AREA REMOVED FROM  
AREA OF CONFLICT WILL BE COVERED BY HOSTAGES CONVENTION  
(THEY NOTE THIS IN EFFECT VERY SIMILAR TO SCOPE OF 1972  
U.S. DRAFT TERRORISM CONVENTION); (C) SUCCESSFUL CONVEN-  
TION WILL BE FEATHER IN UN CAP IN DEVELOPED COUNTRIES;  
(D) MODERATE NON-ALIGNED HAVE DRIVEN RADICALS TO A  
REASONABLE POSITION AND SHOULD NOT BE LEFT HOLDING BAG;  
(E) WE HAVE PARTICULARLY GOOD ATMOSPHERE AT MOMENT AND  
IF WE DO NOT CLOSE A DEAL NOW WE WILL NOT GET ANOTHER  
CHANCE TO DO SO IN NEAR FUTURE.

6. DELEGATION FINDS NO COMPELLING REASONS INTRINSIC TO THE CONVENTION FOR NOT ACCEPTING PACKAGE. IF FRENCH DO NOT BLOW EXERCISE UP FOR REASONS BEST KNOWN TO THEM, US MAY BE HARD PRESSED EXPLAIN TO FRG AND JAPAN IN PARTICULAR WHY WE BLOCKED AGREEMENT.

7. THERE ARE, OF COURSE, OTHER OUTSTANDING PROBLEMS THAT REMAIN BE SOLVED EVEN IF PACKAGE DESCRIBED PARA 2 ACCEPTED. WE AND REST OF WEOS BELIEVE THE OTHER PROBLEMS CAN BE SOLVED IF WE SOLVE RELATIONSHIP BETWEEN HOSTAGES CONVENTION AND GENEVA CONVENTIONS AND PROTOCOLS.

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FOR SCHWEBEL

8. OTHER PROBLEMS ARE (A) STATE ACTION: MAJORITY OF NON-ALIGNED RECOGNIZE THAT CONVENTION RELATES TO INDIVIDUAL RESPONSIBILITY FOR THE ACT AND WILL ACCEPT LANGUAGE WHICH MAKES IT CLEAR THAT ALL WHO TAKE HOSTAGES ARE COVERED; (B) ASYLUM CLAUSE BEING INSISTED UPON BY LATINS LED BY MEXICO: SEEMS LIKELY THEY WILL ACCEPT REPETITION RELATIVELY HARMLESS PROTECTION OF DIPLOMATS FORMULA (ARTICLE 12, SAID CONVENTION) OR TEXT WHICH MAKES IT CLEAR ASYLUM RELATES TO EXTRADITION ISSUE ONLY AND NOT TO OBLIGATION TO SUBMIT TO COMPETENT AUTHORITIES FOR PROSECUTION; (C) NON-ALIGNED DESIRE OBTAIN LANGUAGE DEALING WITH USE OF FORCE TO FREE HOSTAGES: BELIEVE THIS CAN BE HANDLED BY SAVINGS CLAUSE LANGUAGE TO EFFECT NOTHING IN THIS CONVENTION EXPANDS OR CONTRACTS CHARTER PROVISIONS ON USE

OF FORCE.

9. DELEGATION RECOMMENDS WE BE AUTHORIZED ACCEPT PACKAGE  
DESCRIBED PARA 2 PROVISIONALLY WITHIN SMALL NEGOTIATING  
GROUP, ON CONDITION OTHER PROBLEMS SOLVED AND AGREED  
COMPROMISE WILL BE FORWARDED TO UNGA.

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10. TIMING OF SITUATION (FEW DAYS LEFT IN SESSION AND  
OTHER OUTSTANDING PROBLEMS THAT MAY TAKE SOME TIME) SUCH  
THAT WE NEED DEPARTMENT'S RESPONSE FEBRUARY 21 OR AT  
LATEST FEBRUARY 22 IF WE TO OBTAIN COMPLETED PACKAGE TO  
RECOMMEND TO UNGA, THUS HOPEFULLY TRANSFERRING AT LEAST  
SOME OF CURRENT MOMENTUM TO UNGA. VANDEN HEUVEL

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## Message Attributes

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**Channel Indicators:** n/a  
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**Concepts:** COMMITTEES, HOSTAGES  
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**Copy:** SINGLE  
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**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
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**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
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**TAGS:** PFOR, PINS, UN  
**To:** STATE  
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